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EXAMINER

CULLER, JILL E

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/576,031
Filing Date: April 13, 2006
Appellant(s): ROLAND, FRANCK

John S. Economou
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 6, 2009 appealing from the Office action mailed November 3, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect. Appellant erroneously states that Claim 1 was amended in the Amendment After Final filed on February 3, 2009. Instead, Claim 11 was amended in this action and was entered as indicated in appellant's statement.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,282,419	Barrois	2-1994
GB-2314292	Gandelheidt	12-1997
3,738,269	Wagner	6-1973
5,036,761	Wingo	8-1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 15-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,282,419 to Barrois in view of GB 2314292 to Gandelheidt.

With respect to claim 11, Barrois teaches an inking roller, 1, for an inking unit of an offset printing press comprising: a plurality of zones arranged in a direction of an axis of rotation, and at least one ink reservoir, 10, in an interior of the inking roller, connected to at least one ink exit in a circumferential surface of the inking roller in each of the plurality of zones, the inking roller being an offset printing press inking roller. See column 3, line 54 - column 4, line 14 and Figs. 2-3.

Barrois does not teach that the inking roller has at least one pumping element in each of the plurality of zones in the interior of the inking roller for conveying ink from the ink reservoir to the circumferential surface of the inking roller.

Gandelheidt teaches a roller, 1, comprising: a plurality of zones, 5, arranged in a direction of an axis of rotation; and at least one ink reservoir, 8, in an interior of the roller connected to at least one ink exit, 6, in a circumferential surface of the roller in each of the plurality of zones, the roller having at least one pumping element, 7, in each of the plurality of zones in the interior of the roller for conveying ink from the ink reservoir to the circumferential surface of the roller. See page 5, lines 1-15 and Figs. 1-2.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Barrois to include a plurality of pumping elements, as taught by Gandelheidt, in order to be able to deliver the ink to specific locations on the surface.

With respect to claim 12, Gandelheidt teaches the pumping element is an electrical pump or a pneumatic pump. See page 5, lines 8-15.

With respect to claim 13, Gandelheidt teaches the ink exit is an opening or a porous piece of material. See page 5, lines 1-6.

With respect to claim 15, Gandelheidt teaches an ink duct, 20, with a rotary seal, wherein the ink duct substantially extends along the axis of rotation of the inking roller into the interior of the inking roller to the at least one ink reservoir. See page 6, lines 1-2 and Fig. 2.

With respect to claim 16, Gandelheidt teaches the pumping element is powered by a rotary electrical connection. See page 5, lines 8-15.

With respect to claim 18, Gandelheidt teaches that each pumping element is controllable independently of the other pumping elements. See page 5, lines 17-26.

With respect to claims 19-20, Barrois teaches an offset printing unit comprising at least one inking unit comprising at least one inking roller. See column 3, line 54 - column 4, line 14.

With respect to claims 21-23, Barrois teaches the circumferential surface of the inking roller rolls on another inking roller, wherein the other inking roller is a beginning of a group of further inking rollers that roll on each other such that the group of rollers is adapted to apply ink to a printing master on a printing master cylinder connected to an end of the group of inking unit rollers. See column 3, line 54 - column 4, line 14 and Figs. 2-3.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrois in view of Gandelheidt as applied to claims 11-13, 15-16 and 18-23 above, and further in view of U.S. Patent No. 3,738,269 to Wagner.

Barrois and Gandelheidt teach all that is claimed, as in the above rejection of claims 11-13, 15-16 and 18-23, except that the ink exit includes a perforated plug.

Wagner teaches an inking roller, 20, having an ink exit that includes a perforated material, 24. See column 2, lines 6-16.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Barrois to have the perforated plug, as taught by Wagner, in order to more smoothly distribute the ink on the surface of the roller.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrois in view of Gandelheidt as applied to claims 11-13, 15-16 and 18-23 above, and further in view of U.S. Patent No. 5,036,761 to Wingo.

Barrois and Gandelheidt teach all that is claimed, as in the above rejection of claims 11-13, 15-16 and 18-23, except that the at least one ink exit includes a number of ink exits present in one zone, the ink exits being located in a circumferential direction either in one angular section of a circumference in an accumulative way or distributed in a substantially even manner.

Wingo teaches an inking roller having a number of ink exits present in one zone, the ink exits being located in a circumferential direction either in one angular section of

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a circumference in an accumulative way or distributed in a substantially even manner.

See column 4, line 58 - column 5, line 24 and Fig. 5.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Barrois to include the plurality of exits in a plurality of zones, as taught by Wingo, in order to more evenly distribute the ink on the surface of the roller.

(10) Response to Argument

In response to appellant's argument that the combination of Barrois and Gandelheidt does not teach "a plurality of zones arranged in a direction of an axis of rotation", both Barrois and Gandelheidt teach a plurality of ink bores arranged in a direction of an axis of rotation of a roller. Although neither explicitly designates these as separate zones, there are no structural claim limitations which distinguish appellant's claimed zones from the structures taught by the prior art references and therefore these references are considered adequate to reject the claimed structure.

In response to appellant's argument that Gandelheidt does not teach an inking roller, and therefore there is no reason for one of ordinary skill in the art to add the pumping elements of Gandelheidt to the inking roller of Barrois, the Gandelheidt reference is not relied upon for the teaching of an inking roller. Barrois teaches the inking roller as claimed, Gandelheidt is relied upon merely for the teaching of the individual pumps as an alternative method of supplying the ink from the ink reservoir. It has been held that a prior art reference must either be in the field of applicant's

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endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, because the reference of Gandelheidt teaches a method of printing, it is considered to be in the same field of endeavor as that of Barrois and of appellant's invention. Furthermore, Gandelheidt is concerned with supplying ink from a central reservoir to the exterior of a roller, and as such is pertinent to the problem with which appellant is concerned. Therefore, the use of Gandelheidt to teach pumping elements is considered applicable to reject appellant's claimed invention.

In response to appellant's argument that the material of Wagner operates by capillary action that is not ordinarily needed or necessary with any pump as claimed, the use of pumps is not considered pertinent to the rejection. Wagner teaches that having a porous material surface allows the printing ink to be distributed more evenly and therefore one having ordinary skill in the art would look to the teachings of Wagner to provide this more even ink distribution, regardless of the method of delivery from the reservoir to the porous material.

In response to appellant's argument that Wingo discloses a roller for feeding water and not an inking roller, as discussed above, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. In this case, it is well known in the art to use similar structures for both printing ink rollers and

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dampening or water rollers and therefore Wingo must be considered to be in the same field of endeavor. Also, Wingo is concerned with delivery of a fluid from a central reservoir to the exterior of a roller, and as such is pertinent to the problem with which appellant is concerned. Therefore, the use of Wingo to teach the distribution of the exits into a plurality of zones is considered applicable to reject appellant's claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jill E. Culler/

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